



03/06/97

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Benefit Application

Assistant Commissioner for Patents

Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL
(35 U.S.C. § 111 AND 37 CFR § 1.53)

Transmitted herewith for filing is the patent application of

Inventor(s): John B. Taylor

For (title): PLANT FERTILIZER COMPOSITIONS CONTAINING PHOSPHONATE
AND PHOSPHATE SALTS, AND DERIVATIVES THEREOF

1. Type of Application

This new application is for a Continuation-in-part (CIP)

2. Benefit of Prior U.S. Application(s)(35 USC 120)

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

CERTIFICATE UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being

- ☒ deposited with the United States Postal Services in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 with sufficient postage:

MAILING

37 CFR 1.8(a)

37 CFR 1.10

☐ as first class mail☒ as "Express Mail Post Office to Addressee"
Mailing Label No. EM574500489US

FACSIMILE TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark OfficeDate: March 6, 1997
March 6, 1997Chalynda M. Ragan
Chalynda M. Ragan

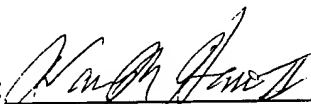
[X] Fee calculation relating to the transmitted amendment is as follows:

	Remaining after Amendment		Originally Paid for		Extra Claims		Claim Fee		Additional Fee
Total Claims	18	-	20	=	0	x	\$11	=	\$ 0.00
Independent Claims	5	-	4	=	1	x	\$41	=	+41.00
Additional Fee (if any)									\$41.00

[X] Check in the amount of \$41.00 to cover fee for additional independent claim.

[X] The Commissioner is hereby authorized to charge any additional fees or credit any overpayment related to the filing of this transmittal to Deposit Account No. 12-0600. A duplicate of this Transmittal is enclosed.

Respectfully submitted,

BY: 
Warren M. Haines II
Reg. No. 40,632
LATHROP & GAGE L.C.
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Phone: (816) 460-5427
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3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)(Regular) or 37 CFR 1.153 (Design) Application

18 Pages of specification
3 Pages of claims (Nos. 1-13)
1 Pages of Abstract
____ Declaration
____ Sheets of drawing (Figs. 1-____)
☐ formal
☐ informal
☐ identifying information has been placed on
back of each sheet of drawings.

4. Additional papers enclosed

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 CFR 1.98)
- ☐ Form PTO-1449
- ☐ Other

5. Declaration or oath

- ☐ Enclosed executed by inventor(s).
- ☒ Not Enclosed.

6. Inventorship Statement

The inventorship for all the claims in this application are:

- ☒ The same

or

- ☐ Are not the same. An explanation, including the ownership of the various claims at the time the **last** claimed invention was made,
 - ☐ is submitted.
 - ☐ will be submitted.

7. Assignment

- ☐ An assignment of the invention to _____:
- ☐ is attached. A separate _ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or _ FORM PTO 1906 is also attached.
- ☒ will follow.

8. Fee Calculation (37 CFR 1.16)

- A. ☒ Regular Application

CLAIMS AS FILED

Number filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$770.00
Total Claims (37 CFR 1.16(c)) 13 -20=		X \$22.00	\$ 0.00
Independent Claims (37 CFR 1.16(b)) 4 -3=	1	X \$80.00	\$ 80.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))		X \$260.00	\$ 0.00

- ☐ Amendment canceling extra claims enclosed.
- ☐ Amendment deleting multiple-dependencies enclosed.
- ☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation

\$850.00

9. Small Entity Statement(s)

- ☒ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

Filing Fee Calculation (50% of A, B, or C above)

\$425.00

10. Fee Payment Being Made At This Time

- ☐ Not Enclosed
- ☐ No filing fee is to be paid at this time.
- ☒ Enclosed
- ☒ basic filing fee \$425.00
- ☐ recording assignment \$ 0.00
(\$40.00;37 CFR 1.21(h))
- Total fees enclosed** **\$425.00**

11. Method of Payment of Fees

- ☒ Check in the amount of \$425.00
- ☐ Charge Account No. ____ - ____ in the amount of \$ ____.
A duplicate of this transmittal is attached.

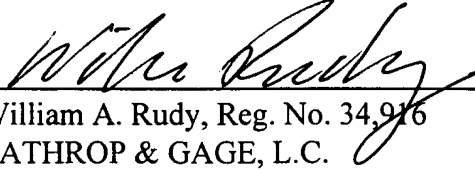
12. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper to Account No. 12-0600:
 - ☒ 37 CFR 1.16(a),(f) or (g)(filing fees)
 - ☒ 37 CFR 1.16(b),(c) and (d)(presentation of extra claims)

13. Instructions As To Overpayment

- ☐ credit Account No. 12-0600
- ☒ refund

Respectfully submitted,



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ATTORNEY OF RECORD

14. **Incorporation by reference of added pages**

- ☒ Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s) Claimed

Number of pages added 2

- ☐ Plus Added Pages For Papers Referred To In Item 4 Above

Number of pages added _____

- ☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION(S) CLAIMED**

15. **Relate Back -- 35 U.S.C. 120**

- ☒ Amend the Specification by inserting before the first line the sentence:

"This is a continuation-in-part of co-pending application Serial Number 08/705,594
filed on August 30, 1996."

or

International Application _____ filed on _____ and which
designated the U.S."

16. **Relate Back -- 35 U.S.C. 119 Priority Claim for Prior Application**

The prior U.S. application(s), including any prior International Application
designating the U.S., identified above in item 17, in turn itself claim(s) foreign
priority(ies) as follows:

country	appl. no.	filed on
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The certified copy(ies) has (have)

- ☐ been filed on _____ in prior application
0 / __, __ which was filed on _____
- ☐ is (are) attached

17. Maintenance of Copendency of Prior Application

- A. ☐ Extension of time in prior application
- ☐ A petition, fee and response extends the term in the pending **prior** application until _____
- ☐ A **copy** of the petition filed in prior application is attached
- B. ☐ Conditional Petition for Extension of Time in Prior Application
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.
- ☐ A **copy** of the conditional petition filed in the prior application is attached

18. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
- ☐ the same
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted:
- (b) ☒ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application the inventor(s) in this application are
- ☒ the same
- ☐ the following additional inventor(s) have been added:
- (c) ☐ The inventorship for all the claims in this application are
- ☒ the same
- ☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made
- ☐ is submitted
- ☐ will be submitted

19. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application.

20. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

- ☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)
- ☒ This transmittal ends with this page.



UNDER SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT
AND TRADEMARK OFFICE
Alexandria, Virginia 22313

Patent No. 5800837

Paper No. 12

NOTICE OF *EX PARTE* REEXAMINATION

Notice is hereby given that a request for *ex parte* reexamination of U.S. Patent No.

5800837 was filed on 10/01/04 under 35 U.S.C. 302 and

37 CFR 1.510(a).

The reexamination proceeding has been assigned Control No. 90/ 007229.

This Notice incorporates by reference into the patent file, all papers entered into the reexamination file.

Note: This Notice should be entered into the patent file and given a paper number.